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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,999	12/20/2005	Josef Wimmer	037068.53616US	1997
23911	7590	10/03/2007	EXAMINER	
CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			NGUYEN, XUAN LAN T	
		ART UNIT	PAPER NUMBER	
		3683		
		MAIL DATE	DELIVERY MODE	
		10/03/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/534,999	WIMMER ET AL.	
	Examiner	Art Unit	
	Lan Nguyen	3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 August 2007.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 11-32 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 11-32 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 03 August 2007 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/3/07</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input checked="" type="checkbox"/> Other: <u>drawings</u> |

DETAILED ACTION

Drawings

1. The drawings were received on 8/3/07. These drawings are approved.

Specification

2. The new abstract and the amendments to specification are approved.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baumgartner et al. (USP 5,568,845) in view of Blaurock et al. (US 3,838,928).

Re: claim 11, Baumgartner shows a disc brake for use with a brake disc, in figures 2A and 2B as in the present invention, comprising: an axially slideable caliper 2 which straddles the brake disc 1 when in use; a brake application device arranged in the caliper on one side of the brake disc, the brake application device comprising a transverse beam 7 having at least one threaded bore, not numbered, as shown in figure 2B, into which an adjusting screw 71 carrying a pressure piece 13 is threaded, the brake application device being configured to press a brake pad 10 against the brake

disc when in use; wherein the brake application device further comprises an adjusting device operatively coupled with the adjusting screw, the adjusting device adjusting for a change in a release play between the brake pad and the brake disc, not illustrated but mentioned in column 5, lines 47-50. Baumgartner shows alternative embodiments in employing a securing device such as the spring ring 801 to ensure that the adjusting device would not release the brake due to vibration, etc. However, Baumgartner lacks the spring ring and groove as claimed. Blaurock et al. teach the concept of how to employ a spacer ring between two machine parts to secure the parts according to a desired force as shown in figures 7 and 8 wherein a spacer ring 124, 150 is disposed between a shaft 128, 144 and a bore of machine part 126, 146 where in figure 7, the groove 130 is in the bore while in figure 8, groove 148 in on the shaft. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Baumgartner's disk brake to employ a spacer ring such as taught by Blaurock in order to ensure that the shaft and the bore would be secure according to a desired frictional force without being released due to vibration, et. as taught by Blaurock.

Re: claims 12-17, Blaurock shows the spacer ring as claimed.

Re: claims 18 and 19, Blaurock shows the groove as claimed.

Re: claims 21-23, Baumgartner shows the brake as claimed in claims 21-23.

Re: claim 24, Baumgartner shows a brake application device for use in a caliper 1 of a disc brake in figures 2A and 2B, as in the present invention, comprising: a transverse beam 7 having a first threaded bore, as shown; a threaded adjusting screw

71 which screws into the first threaded bore, as shown; a wear adjustment device operatively coupled with the adjusting screw for use in compensating wear of the disc brake, as mentioned in column 5, lines 47-50; a ring groove formed in the threaded adjusting screw, as shown; and a spring ring 801 disposed in the ring groove so as to be elastically supported on an opposing thread of the threaded adjusting screw, the spring ring providing a rotation-inhibiting effect on the threaded adjusting screw up to a defined torque, as stated in the Abstract lines 6-8. Baumgartner shows alternative embodiments in employing a securing device such as the spring ring 801 to ensure that the adjusting device would not release the brake due to vibration, etc. However, Baumgartner lacks the spring ring and groove as claimed. Blaurock et al. teach the concept of how to employ a spacer ring between two machine parts to secure the parts according to a desired force as shown in figures 7 and 8 wherein a spacer ring 124, 150 is disposed between a shaft 128, 144 and a bore of machine part 126, 146 where in figure 7, the groove 130 is in the bore while in figure 8, groove 148 in on the shaft. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Baumgartner's disk brake to employ a spacer ring such as taught by Blaurock in order to ensure that the shaft and the bore would be secure according to a desired frictional force without being released due to vibration, et. as taught by Blaurock.

Re: claims 25-29, Blaurock shows the spacer ring as claimed.

Re: claims 30 and 31, Blaurock shows the groove as claimed.

Re: claim 32, Baumgartner shows the brake as claimed in claim 32.

Response to Arguments

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dubech and Bjorklund are cited for other spring rings.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is (571) 272-

7121. The examiner can normally be reached on Monday through Friday, 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Xuan Lan Nguyen/ 9-25-07
Primary Examiner
Art Unit 3683

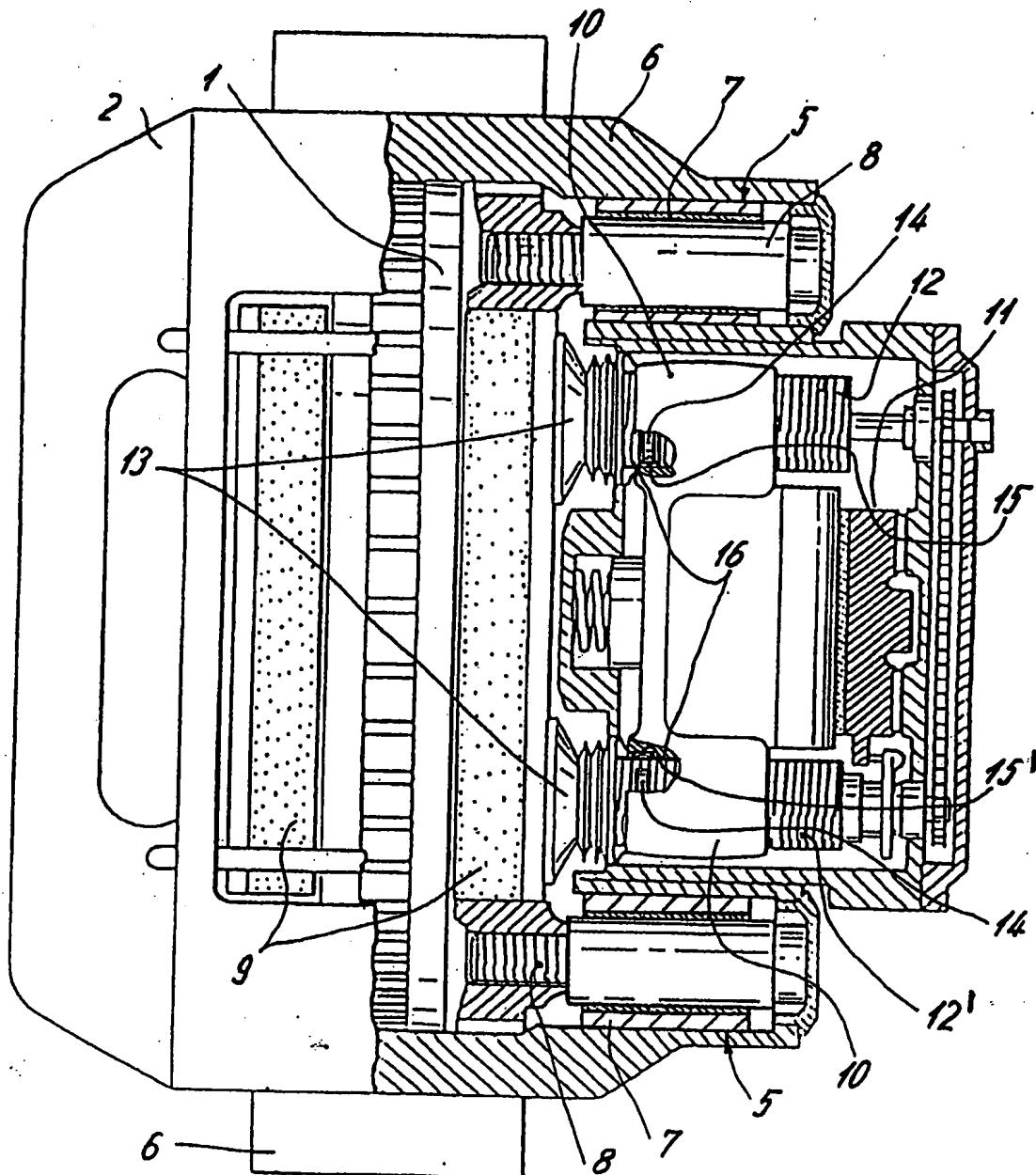
REPLACEMENT SHEET

Crowell & Moring, LLP (202) 624-2500
Title: Disc Brake Having an Adjustment
Device in Particular for a Commercial Vehicle
First Inventor: Josef WIMMER
Docket: 037068.56316US



112

Fig. 1



approved
XLU
9/25/07

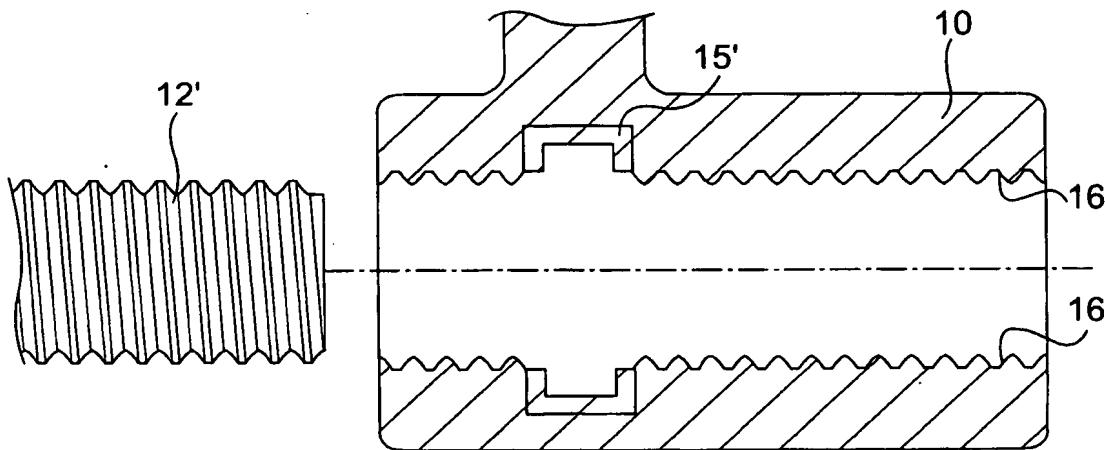


FIG. 4

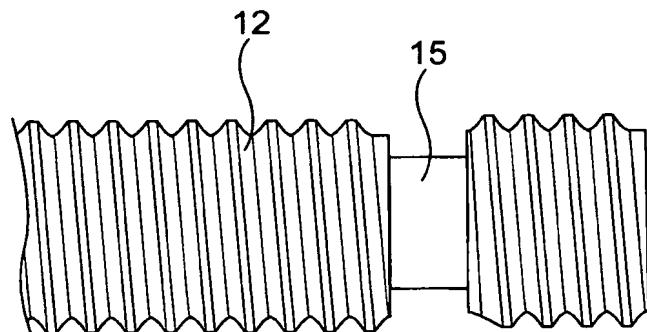


FIG. 5

Approved
XLN
9/25/07